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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,610	02/13/2002	Robert Osann JR.		7407

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ROBERT OSANN, JR.
10494 Ann Arbor Ave.
Cupertino, CA 95014

EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2618

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,610

Applicant(s)

OSANN, ROBERT

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22 is/are allowed.
- 6) ☒ Claim(s) 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 23-25 is withdrawn in view of the newly discovered reference(s) to Kubo (U.S. Patent No. 6728558). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubo (U.S. Patent No. 6728558).

Regarding claim 23, Kubo teaches a method for providing an indication of an incoming call on a flip-type mobile phone (see fig. 1A-B, 3 and fig. 4, step 8 and step 10, since the open cover or slice the can be the flip-type see mobile phone on fig. 1B), including: Upon opening the flip-type mobile phone (see fig. 4, step 9, set as operation performed when the cover is open), the call is not answered, however any audible ring indication is terminated or reduced in volume (see fig. 4, step 8-9, that is set to performed when the cover is open, the ring volume reduction and the call is not answered, until the enter the call on step 13, col. 4, lines 47-48, col. 5, lines 15-16, and col. 6, lines 66-col. 7, lines 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo (U.S. Patent No. 6728558) in view of Carley (U.S. Pub. No. 20030109288).

Regarding claim 24, Kubo teaches where upon terminating any audible ring indication or reducing its volume (see fig. 4). But Kubo fails to show where upon terminating any audible ring indication or reducing its volume a silent vibrating ring indication is initiated.

However, Carley teaches where upon terminating any audible ring indication or reducing its volume a silent vibrating ring indication is initiated (see figs. 1-2, mode select 106 for ring volume or vibrating 114, and fig. 3, page 1-2, section [0002 and 0010-0011])

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Kubo and by the providing of Carley on the inaudible alert through vibrating technique, in order to provide a silent in public place or private time (see page 1, section 0011]).

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo (U.S. Patent No. 6728558) in view of Carley (U.S. Pub. No. 20030109288) further in view of Dowlat (U.S. Pub. No. 20030054867).

Regarding claim 25, Kubo teaches where upon terminating any audible ring indication, including a vibrating indication that is audible (see fig. 3, backlight 24, and fig. 4, for backlight illuminating, col. 7, lines 4-8). But Kubo or Carley fails to show a flashing icon on the display of the mobile phone continues to provide a ring indication.

However, Dowlat teaches a flashing icon on the display of the mobile phone continues to provide a ring indication (see page 1, sections [0005-0006]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of Kubo and Carley with Dowlat, in order to provide user the display icon on the device to provide a ring indication.

Allowable Subject Matter

6. Claims 17-22 are allowed.

Reasons for allowance

7. The following is an examiner's statement of reasons for allowance:

Claims 17-22 are allowed with the same reasons set forth in the previous Office action (paper mailed on 11-30-2005).

Conclusion

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh 
Division 2618
May 9, 2006

Anderson, Matthew D. (SPE 2618)
